

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL NO. 03-10362-PBS
TREVOR TEAGUE and)	
FABIAN RUIZ)	

MOTION TO VACATE ORDER TO PRESERVE EVIDENCE

The United States respectfully files this motion asking the Court to vacate its prior Order to Preserve Marijuana in this case and states the following in support of this request:

1) On June 22, 2005, the Court entered an Order directing the Drug Enforcement Administration to preserve the 376 pounds of marijuana seized in connection with the case until any appeal of either defendant was fully adjudicated.

2) The First Circuit Court of Appeal affirmed Ruiz's conviction and sentence (and contempt judgment and sentence) on November 8, 2006, and Teague's conviction and sentence on November 29, 2006.

3) Defendant Ruiz petitioned for a writ of certiorari, which the Supreme Court denied on March 19, 2007. Defendant Teague did not file a petition for a writ of certiorari.

4) The government submits that there is no longer a need to preserve the marijuana seized and requests that the DEA be permitted to destroy it.

WHEREFORE, the government requests the Court to vacate its previously entered Order to Preserve Marijuana.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ Sandra S. Bower
SANDRA S. BOWER
Assistant United States Attorney

Date: July 25, 2007